

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929**

**WP(C).No. 19659 of 2007(M)**  
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**AGAINST THE ORDER IN EP. 121 /2005 IN  
OS.191/2004 of MUNSIF COURT, VADAKARA**  
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**PETITIONER:**  
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**N.ABOOBACKER,  
'SHAH NIVAS', (PO) PUDUPPANAM,  
PUDUPPANAM AMSOM & DESOM, VATAKARA TALUK,  
KOZHIKODE DISTRICT.**

**BY ADV. SRI.C.VATHSALAN  
SRI.GHOSH YOHANNAN  
SRI.K.RAKESH ROSHAN  
SMT.THUSHARA.V**

**RESPONDENTS:**  
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**1. K.K.SASI KUMAR,  
11/1A, QUARTERS, KVIP COLONY,  
MEETHALE PZHAKAVIL, (PO) NUT STREET, VATAKARA,  
VADAKARA AMSOM AND DESOM, VADAKARA TALUK,  
KOZHIKODE DISTRICT.**

**2. CANARA BANK,  
BY PRINCIPAL OFFICER,  
BRANCH MANAGER, TUNERI BRANCH,  
VADAKARA TALUK, KOZHIKODE DISTRICT.**

**BY ADV. SRI.R.S.KALKURA, SC for R2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**WPC.NO.19659/2007 M**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF THE E.P.NO.121 OF 2005.**

**EXT.P2: COPY OF THE PETITION ALONG WITH AFFIDAVIT IN E.A.NO.142 OF 2007 IN E.P.NO.121 OF 2005.**

**EXT.P3: COPY OF THE ORDER DTD. 13/06/2007 IN E.A.NO.142 OF 2007.**

**/TRUE COPY/**

*KSS*

**M.N.KRISHNAN, J**

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**W.P.(C) No.19659 OF 2007**

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**Dated this the 12<sup>th</sup> day of July, 2007**

**JUDGMENT**

The writ petitioner, a school teacher, is facing arrest on account of the failure to pay the amount due under a decree in which transaction he was a surety. The learned Munsiff found that repeated opportunities were given and the petitioner is evading arrest and that he had even resisted execution of warrant. On the contra learned counsel for the petitioner would submit that his client is not of that nature and he wants to file a counter and prosecute the matter. It is also submitted by him that in view of the issuance of arrest warrant even the salary is not paid to him.

2. Taking into consideration the entire matter as well as the fact that the petitioner is a teacher, I feel an opportunity can be given to him to put forth his case on merits. But, I make it clear that such an opportunity can be given only on depositing Rs.15,000/-(rupees fifteen thousand only) before the executing court within a period of one month from today. The petitioner is permitted to further participate in the matter by filing his counter, if not already filed, and the decree holder be permitted to adduce evidence in

support of the contentions of means and thereafter the court is bound to dispose of the matter, as expeditiously as possible, at any rate, within six weeks from the date of deposit of the amount before the court below. In case the amount is not deposited, the benefit granted shall stand cancelled and the court will proceed the execution of arrest warrant.

Writ petition is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**